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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,897	09/26/2003	Takayuki Ogino	9333/355	8033

757 7590 01/11/2005

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EXAMINER

NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,897	<b>Applicant(s)</b> OGINO ET AL.	
	<b>Examiner</b> Thu Nguyen	<b>Art Unit</b> 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) 7-13 and 19-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/26/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The response to the restriction requirement filed on October 27, 2004 is acknowledged. By this response, the species group I (including claims 1-6, 14-18) has been elected with traverse. Upon considering applicant's argument, the examiner decides to maintain the restriction requirement (refer to section "response to argument" below), accordingly, claims 1-6, 14-18 are examined in this office action.

#### ***Claim Objections***

1. Claims 6, 18 are objected to because of the following informalities:

In claim 6, line 3; claim 18, line 3, the claimed "the other" should be corrected to "another" to prevent lack of antecedent in the claim.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsunori et al (JP 2002-229646).

As per claim 1, Katsunori teaches a method for vehicle to vehicle communication between a first vehicle and a second vehicle, the method comprises: providing an interrupt point (the intersection), providing a first vehicle M1 and a second vehicle M2 located behind the interrupt point; providing a vehicle to vehicle communication apparatus 11 (para 0024) and 12 (para 0028) in the first and second vehicle; transmitting an interrupt request from the first vehicle to the second vehicle M2 (para 0029); and receiving and responding to the interrupt request (by waiting at the inlet position of the intersection) (abstract). Katsunori does not explicitly disclose forming a network incorporating the first vehicle and the second vehicle. However, since Katsunori teaches the capability of forming communication between the first and the second vehicle (the communication between the first and second vehicle at the second frequency  $F_n$ ) (para 0028-0029) and since it is well known that a network is considered to be established when signals can be communicated between two devices, Katsunori obviously encompasses forming the network in order to enable communication between vehicles.

As per claim 2, connecting communication apparatus to a navigation apparatus via an interface would have been well known.

As per claim 14, refer to claim 1 above.

4. Claims 3-5, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsunori et al (JP 2002-229646) in view of Graham et al (US 5,572,201).

As per claim 3-5, 15, Graham teaches displaying a request and positional relationship between the vehicles (col.15, lines 42-64; col.14, lines 1-15). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include displaying interrupt request and positional relationship of Graham to the system of Katsunori in order to provide the driver information concerning the purpose of the communication and the relative position between vehicles. Further, Graham teaches flashing the light (col.18, lines 34-43), moreover, flashing light at appropriate location and at appropriate event according to the specific need of warning in specific situation would have been both well known and obvious matter of design choice.

As per claim 16-17, refer to claims 2, 5 above.

5. Claims 6, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsunori et al (JP 2002-229646) in view of Hermann et al (US 3,941,201).

As per claim 6, 18, Hermaann et al teaches an interrupt request to enter a narrow road from one entrance when a second vehicle is also going to enter the narrow road 6 (fig.1) from another entrance (fig.1; col.3, lines 58-68; col.4, lines 1-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to extend the functionality of the system of Katsunori to the system for controlling merging to a road taught by Hermann in order to properly controlling merging of vehicles and avoiding collision in merging vehicles to the same road.

*Response to Arguments*

6. Applicant's election with traverse of species I in the reply filed on October 27, 2004 is acknowledged. The traversal is on the ground(s) that the pending claims can be search efficiently. This is not found persuasive because species II and III direct to different subject matters that imposes serious burden to the examiner.

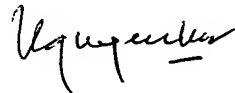
The requirement is still deemed proper and is therefore made FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 4, 2005

  
**THU V. NGUYEN**  
**PRIMARY EXAMINER**